

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

THE BANK OF NEW YORK MELLON FKA  
THE BANK OF NEW YORK AS TRUSTEE FOR  
THE BELLA VISTA MORTGAGE TRUST,  
MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2004-2.

Plaintiff,

vs.

DURAN MCNEAL; TONI LEE ANN MCNEAL,  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., BANK OF AMERICA. N.A.;  
PARTIES IN POSESSION.

Defendants.

Case No. 3:15-cv-01711-BR

**JUDGMENT FOR FORECLOSURE  
SALE**

Based on the record and the Court's Order (#32) entered May 16, 2016, it is hereby

**ORDERED AND ADJUDGED:**

1. That a final judgment is entered in favor of Plaintiff Bank of New York Mellon, finding that under the terms of the subject Note and Deed of Trust there is now due and owing to Plaintiff the following amounts including accruing interest which continues to accrue at the per diem rate until entry of judgment and at the rate of 9% thereafter:

Principal		\$170,995.56	
Prejudgment interest at 3% through September 4, 2015 (accruing thereafter until entry of judgment at \$14.05/per diem)			\$10,693.84
Late Charges		\$0.00	
Other Costs and fees (recoverable)		7,291.20	
	Property Tax	\$6,997.20	
	Property Inspections	\$294.00	
	Subtotal		\$178,286.76
Total plus Prejudgment Interest			\$188,980.60

2. That Plaintiff recover from Defendants Duran McNeal and Toni Lee Ann McNeal its reasonable attorney fees and costs of suit in this matter as determined under Rules 54(d)(2) and 54(d)(1) of the Federal Rules of Civil Procedure.

3. The Deed of Trust executed and delivered by Defendant, Duran McNeal, a married man as his sole & separate property ("Borrower") on or about November 4, 2004 and recorded on November 15, 2004 as Recorder's Fee No. 2004-130985 in the official records of Washington County, Oregon, is a valid and perfected lien against all of the Property for the amount found due to Plaintiff as provided herein. Said Property (hereafter the "Property") is situated in Washington County, Oregon and is commonly known as 352 NE Enyeart Place, Hillsboro, OR 97124 and is legally described as follows:

*Lot 5, ENYEART WOODS, in the City of Hillsboro, County of Washington and State of Oregon.*

*TOGETHER with an undivided 1/7th interest in Tracts "A" and "B".*

4. Said lien is superior to any interest, lien or claim of any and all defendants.

5. Plaintiff is the holder of the original note dated November 4, 2004 and made by Duran McNeal in the amount of \$175,000.00.

6. The interest of Defendants Duran McNeal and Toni Lee Ann McNeal, defendants Mortgage Electronic Registration Systems, Inc., and Bank of America N.A, and any successors in interest in the subject Property can be foreclosed and terminated by the United States Marshal for the District of Oregon by sale free of all claims, rights, or interest of any and all parties to this action.

7. Upon sale Defendants Duran McNeal and Toni Lee Ann McNeal, defendants Mortgage Electronic Registration Systems, Inc., and Bank of America N.A, and all persons claiming by, through, or under them are barred from all right, title, interest, and equity of redemption in and to the Property or any part of said property, excepting only any statutory right of redemption as said Defendants may have therein.

8. That any party to this action is allowed to bid at the foreclosure sale; that the purchaser at the foreclosure sale shall be placed in immediate possession of the Property; that if possession thereof is refused the purchaser, that a Writ of Assistance shall issue forthwith out of the court from which the Writ of Execution is issued to place the purchaser in immediate possession; that the United States Marshal or the Sheriff, as the case may be, shall give to the purchaser of the Property a Certificate of Sale, and after the time allowed by law for redemption, unless the Property has been redeemed, a Marshal's/Sheriff's Deed.

9. That the proceeds of the sale shall be applied as follows:

a. In payment of the costs and expenses of the sale;

- b. In satisfaction of the amounts determined due to Plaintiff herein including any award of attorney fees and costs; and
- c. The balance, if any, shall be paid to the Clerk of Court to be disbursed in the manner provided for by law, and as otherwise adjudicated in this case.

IT IS SO ORDERED this 16th day of May, 2016.

/s/ Anna J. Brown

---

ANNA J. BROWN  
United States District Judge